

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
J&J SPORTS PRODUCTIONS, INC.,

Plaintiff,

- against -

JUAN RODRIGUES, et al.,

Defendants.
-----X

6/13/07
Adopted w/o objection
and without qualification
to referee
REPORT AND
RECOMMENDATION / Judge Dearie
4/15/07

05 CV 5805 (RJD)

On December 12, 2005, plaintiff J&J Sports Productions, Inc. ("plaintiff") commenced this suit against defendants Juan Rodrigues, individually and doing business as KACU Barber Shop, also known as KACU Barber Shop & Unisex, also known as KACU Barber Shop Unisex ("KACU") and (collectively, "KACU" or "defendants"), alleging a violation of Section 705 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 553 and 605. Despite proper service, defendants failed to appear and upon plaintiff's application, the Clerk of Court entered a default against defendants on April 17, 2006. The matter was then referred to the undersigned magistrate judge for the purpose of conducting an inquest and to report and recommend a damages award.

For the foregoing reasons, this Court respectfully recommends that, pursuant to 47 U.S.C. §§ 605(e)(3)(C)(i)(II) and 605(e)(3)(B)(iii), plaintiff be awarded statutory damages of \$4,000, plus \$1,575 in attorney's fees and costs.

BACKGROUND

Plaintiff entered into a closed-circuit television licensing agreement in which plaintiff